



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/DOS/62/1531 of 2017-18

Date of registration : 21/02/2018

Date of order : 14/03/2018

Total days : 22

IN THE MATTER OF GRIEVANCE NO. K/DOS/62/1531 OF 2017-18 OF SHRI. DIPAK L. AVGHAD, AT-HARI OM COLONY NO.8, LAKSMI NAGAR, CHINCHPADA, KALYAN (E), PIN CODE - 421 306 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri. Dipak L.Avgshade,
At-Hari Om Colony No.8,
Laksmi Nagar, Chinchpada,
Kalyan (E), Pin Code - 421 306.
(Consumer No. 021793163735)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Kalyan Circle-I, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. Vijay Adake, AEE, Kalyan (E), Sdn-II

For Consumer - Shri. J.S.Rajput (C.R.).

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply

& Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) The Consumer is a L.T. Residential Consumer of Licensee. The Consumer registered grievance with the forum on 21/02/2018 regarding defective meter. The details as follows :-

Name of Consumer : Shri. Dipak L.Avghade

Consumer No. : 021793163735

Reason of Dispute : Defective meter.

3) The batch of papers containing grievance was sent by forum vide Letter no. EE/CGRF/Kalyan/074 dt.21/02/2018 to the Nodal Officer of Licensee, the Licensee through its Addl. Executive Engineer MSEDCL, Kalyan (E) S/Dn-II filed reply on date 07/03/2018.

4) The hearing was scheduled on 07/03/2018 during the hearing members of forum heard both the parties at length. Minutes of the hearing including the submissions made by the parties were recorded and the same are kept in record.

5) Consumer Representative contended that meter was faulty, it had no display for period July-2017 to Dec-2017. Meter not replaced even after giving application on 16/11/2017. In case of defective meter billing should be as per clause 15.4.1 of supply code regulations.

6) Licensee in it's reply submitted that Consumer meter got faulty in month of July-2017, Consumer billed on average of '238' units/month till Dec-2017. When Consumer approached IGRC, Kalyan Circle-I on 29/01/2018 Subsequently as per IGRC order bill is revised as per 184 units/months considering average of healthy period of July-2016 to July-2017. Revised bill is handed over to Consumer. Consumer meter is replaced on 15/01/2018, hence the grievance to be dismissed.

7) The forum has gone through the records kept on record, CPL is showing that in month of July-2017 to Dec-2017. The bill issued as per faulty average of '238' units/month. From month of Jan-2018 Consumer is billed normal as per new meter. Hence the Consumer is billed as per faulty average for period July-2017 to Dec-2017.

8) The Consumer demanded bill revision as per clause 15.4.1 of supply code regulation The clause is reproduced here :-

15.4.1 *Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.:*

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

As per above regulation in case the meter stopped reading the Consumer will be billed up to maximum period of three months based on average metered consumption for twelve months. In present case meter display was off, hence meter could not be tested in LAB.

9) As far as this case is concerned the Consumer is billed on average for 6 months, hence the bill needs to be revised for 3 months i.e. for period of Oct-2017 to Dec-2017 as per average consumption of 12 months prior to July-2017.

ORDER

- 1) Grievance application of Consumer stands allowed.
- 2) Average bills issued for period July-2017 to Dec-2017 being improper quashed and set aside.
- 3) Licensee is directed to bill the Consumer for relevant period Oct-2017 to Dec-2017 as per the provision to clause 15.4.1 of MERC Supply Code regulation 2005.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 14/03/2018

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

